



Based on his review of the record, the Magistrate Judge has recommended that the court grant Petitioner's Motion and dismiss this § 2254 habeas corpus case without prejudice. The Magistrate Judge advised Petitioner of his right to file objections to the Report and the possible consequences if he failed to do so. Petitioner has filed no objections and the time for doing so has expired.

After reviewing the Petition, the motion, the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

**ORDERED** that Petitioner's Motion to dismiss the Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is *granted and the Petition is dismissed without prejudice*.

**IT IS SO ORDERED.**

Columbia, South Carolina  
July 28, 2006

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE